

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4929 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

MANIBEN CHHAGANLAL DHIMAR

Versus

NAVSARI NAGAR PALIKA

Appearance:

MR PH PATHAK for Petitioners

MR MC SHAH for Respondent No. 1

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 19/12/98

ORAL JUDGEMENT

Petitioners have approached this Court being aggrieved by the order passed by the Presiding Officer, Labour Court, Navsari on 30-11-1985 in Reference (LCN) No. 129/84 and Reference (LCN) No. 124/84 whereby though the Presiding Officer set aside the order of termination declaring it as illegal, failed to pass a proper order with regard to backwages.

2. It is apparent that the matter has been disposed of within a period of eleven months and the petitioners are working since thereafter with the respondent Municipality and are being paid their backwages in accordance with law. The Presiding Officer held that the petitioners did not seriously tried to get another job, and therefore they are not entitled to get backwages. Mr. Shah, learned advocate for the respondent submitted that despite the petitioners being daily rated workman, in view of the order passed by the Presiding Officer of the Labour Court, the petitioners have been taken in the service of the respondent.

3. Considering the facts and circumstances of the case, there is a consensus between the parties that the ends of justice will be met with, if the petitioners are awarded 50% of the backwages. Hence, it is directed that the respondents shall pay to petitioners 50% of the backwages, within a period of one month from the date of receipt of the writ.

4. The petition stands disposed of accordingly.
Rule made absolute accordingly. No order as to costs.

csm./ -----